

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAMES K. SILVA,)
Plaintiff,)
)
v.) Civil No. 22-10113-LTS
)
EDGARTOWN DISTRICT COURT,)
Defendant.)
)

ORDER

October 19, 2022

SOROKIN, J.

James K. Silva (“Silva”), a resident of Hyannis, Massachusetts, initiated this action by filing a *pro se* complaint with a motion for leave to proceed *in forma pauperis*. ECF Nos. 1, 2.

Silva was granted leave to proceed *in forma pauperis*. ECF No. 4. The Court advised Silva that his complaint was subject to dismissal and that if he wished to proceed, he must file an amended complaint that cures the pleading deficiencies of the original complaint and sets forth a plausible claim upon which relief may be granted. *Id.*

Because Silva’s response failed to address the problems outlined in the Court’s Memorandum and Order, this action was dismissed pursuant to 28 U.S.C. § 1915 (e)(2). ECF No. 6.

On October 12, 2022, Silva submitted several documents for filing, including a complaint form naming the undersigned judicial officer as a defendant. Because a note on the complaint form references Silva’s “Fedr. Appeal papers,” on October 18, 2022, a court clerk seeking clarification contacted Silva by telephone. Silva advised the clerk that he seeks to file an appeal. Therefore, the clerk will be directed to enter the papers on the docket as Silva’s notice of appeal

of the July 20, 2022 Order. If Silva objects to the characterization of his papers as a notice of appeal, he may file a motion stating the purpose for the filing of the papers.

Because Silva was granted leave to proceed proceed *in forma pauperis*, he is permitted to pursue an appeal in forma pauperis. *See* Fed. R. App. P. 24(a)(3)(generally providing that a party who was permitted to proceed in forma pauperis in the district court may proceed on appeal in forma pauperis without further authorization).

In accordance with the foregoing, it is hereby ORDERED that the Clerk shall enter Silva's papers on the docket as a notice of appeal.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge